



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8239 of 2022

and

W.M.P.[MD]Nos.6138, 6140 & 6142 of 2022

M.Ahamed Yasin Educational and Charitable Trust,
Rep. By its Chairman,
M.I.Ahamed Yasin.

... Petitioner

/Vs./

The Government of Tamil Nadu,
Rep. by its Secretary,
Agriculture AU Department,
Fort ST. George,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for records relating to the impugned order made by the respondent vide G.O.(D) No.144, Agriculture AU, Department dated 21.07.2016 insofar as it restricts the minority status to Nammazhvar College of Agriculture and Technology, Peraiyur Village, Kamuthi Taluk, Ramanathapuram District run by the petitioner Trust for a period of 5 years between 2016-2017 and 2020-2021 is concerned and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondent : Mr.D.Sasikumar,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the G.O.(D) No.144, Agriculture AU, Department dated 21.07.2016. The aforementioned GO restricts the minority status of the petitioner institution for a period of five (5) years.

2. According to the petitioner, in the light of the decision rendered by the Division Bench of this Court in the case of **Secretary Jeyaraj Annabackiyam College for Women vs. State of Tamil Nadu** reported in **2013 (8) MLJ 509**, the Government cannot restrict the minority status of any institution to a particular term.



According to the petitioner, the petitioner has been recognized as minority institution by the respondent as early as in the year 2016, which is valid upto 2021. Even before the expiry of the said period, the petitioner has given a representation on 15.07.2021 seeking for extension of the minority status. Since the said representation has not been considered, the petitioner has challenged the impugned GO referred to supra.

3. Heard Mr.M.Mahaboob Athiff, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondent.

4. Admittedly, the said representation submitted by the petitioner seeking for extension of its minority status has not been considered by the respondent till date. The decision of the Division Bench of this Court referred to supra also supports the case of the petitioner. As per the said decision, the Government cannot restrict the minority status of an educational institution to a particular term, unless and until there is a change in the Management.

5. Therefore, no prejudice would be caused to the respondent, until the respondent passes final orders in the petitioner's representation dated 15.07.2021 seeking for extension of the minority status, the petitioner's minority status is not disturbed.

6. For the foregoing reasons, this Writ Petition is disposed of by directing the respondent to consider the petitioner's representation dated 15.07.2021 seeking for extension of the minority status of the petitioner institution for the further period and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting them the right of personal hearing, within a period of six (6) months from the date of receipt of a copy of this order. Till the final orders are passed, the petitioner's minority status shall not be disturbed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

The Secretary,
Government of Tamil Nadu,
Agriculture AU Department,
Fort ST. George, Chennai.

+1 CC to M/s.SPL.GP (SR-23315[F] dated 04/05/2022)

order made in

W.P. [MD]No.8239 of 2022

Dated:

29.04.2022

GM(CO)

GC(23.05.2022) 3P 3C